

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mario Ramos Hinojos, Jr.,)	C/A No.: 2:13-1900-JFA-WWD
)	
Plaintiff,)	
)	
v.)	ORDER
)	
William Byars, Director; Michael McCall,)	
Warden; Anthony Padula, Warden; Mr. Davis,)	
Deputy Warden; and Mrs. Eastridge,)	
Mailroom Staff,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Mario Ramos Hinojos, brings this action pursuant to 42 U.S.C. § 1983 claiming violations of his constitutional rights with regard to his conditions of confinement. The plaintiff is an inmate with the South Carolina Department of Corrections and is currently housed in the Special Management Unit (“SMU”) of the Lee Correctional Institution (“LCI”). The plaintiff’s various alleged claims involve inadequate conditions of confinement, lack of access to showers and cleaning supplies, lack of recreation, lack of access to outside media, and lack of access to the courts. He seeks monetary damages.

The Magistrate Judge assigned to this action¹ has prepared a comprehensive Report

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate

and Recommendation wherein he suggests that this court should grant the defendants' motions for summary judgment.² The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation which was filed on June 23, 2014. On July 8, 2014 (received by the court on July 15, 2014), the plaintiff mailed a request for an extension of time within which to file objections to the Report. Therein, plaintiff states that he is now attempting to file a writ of habeas corpus and continues his complaint that he has limited access to the prison's law computer and materials to mail out correspondence. Attached to the plaintiff's request is a copy of a motion to reconsider, presumably filed in the Supreme Court of South Carolina, regarding an appeal of his state habeas case.

As an initial matter, the court denies the plaintiff's motion for an extension of time to file objections to the report (ECF No. 77). It is obvious that the plaintiff has sufficient writing materials to file state court pleadings. Moreover, the Magistrate Judge notes in his Report that the plaintiff has filed a plethora of motions, oppositions, and hundreds of pages of exhibits in this case. The court finds that the plaintiff has had ample time to file objections and has failed to do so. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation.

Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff responded to the motion.

See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

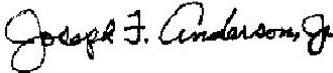
The Magistrate Judge has carefully reviewed all of the pleadings and record in this case, indeed allowing the plaintiff to submit a sundry of pleadings and exhibits into evidence in connection with the review of the motion for summary judgment. This court has carefully reviewed the records and agrees with the Magistrate Judge that summary judgment should be granted to the defendants.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is adopted and incorporated herein by reference.

Accordingly, the defendants' motion for summary judgment (ECF No. 54) is granted. Plaintiff's motions to submit evidence (ECF Nos. 30, 36 and 58) have been granted by the Magistrate Judge. All remaining motions by the plaintiff are moot (ECF No. 39, 50, 58, 59).

IT IS SO ORDERED.

July 23, 2014
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge